

IN THE DRAWINGS

Please substitute the attached 3 sheets of replacement drawings for the drawings of record.

REMARKS

By the foregoing amendment Applicant confirms the election of species 1 in a reply filed June 12, 2008. Although Applicant has cancelled claims directed to the non elected species, Applicant respectfully reserve his rights to file one or more divisional application (s) claiming the benefits forwarded by 35 U.S.C 119 , 102, and 121.

Replacement drawings sheets are provided herewith. Applicant respectfully request approval of these drawing sheets in the next communication from the Office.

Applicant notes the Examiner's comments regarding the abstract, specifically the words "so as allowing it to be located" the undersigned could not find the words quoted by the Examiner in the Abstract of record.

Nonetheless, Applicant submits a substitute abstract.

Applicant notes the Examiner's objection to the British spelling of "fiber" as well as to "labor".

However, the Examiner has exceeded his authority in requiring correction of such spelling because it the USPTO promulgated an express requirement that such corrections not be made. See for example, MPEP Section 608.01, "There is no additional requirement that the English must be American English"..

In addition, Applicant has provided separate descriptive headings for Figs. 1a, 1b, and on 1c as well as 3a, 3b and 3c and has made the correction in grammatical format to page 8 and page 11 of the specification. Withdrawal of the objections to the specification is therefore respectfully requested.

Reconsideration of the previous rejections claims 1-7 and 10-13 under 35 U.S.C. 112, second paragraph is respectfully requested.

Claim 1 recites "a joint for a panel" and is exactly the subject matter which Applicant regards as his invention. The Examiner is correct in definition in which she recites that it is a "juncture", if the Examiner were to again read the claims she will note that there is no claim

to “panel” but rather to the joint. Thus, the Examiner’s attempt to redefine Applicant’s invention is not only in conflict with the statute (35 U.S.C. 112, second paragraph) but is erroneous, thus the invention is recited. Claim 1 lines 4 to 6 has been amended to emphasize that the joining profile is part of the claimed invention as well as the correct the grammatical error. Regarding claim 2 a repeated term has been omitted but Applicant wishes to make it clear that claim 2 further limits claim 1 and thus is a proper dependent claim and whereas claim 1 requires that the first edge comprise a groove; claim 2 requires that the first edge further comprise “an upper side groove”. Furthermore, the definition of the joining profile is more limited in claim 2, than in claim 1. Accordingly, claim 2 is a proper dependent claim. In claim 3 line 2 the term “that” has been changed to “wherein”. As claim 9 had been withdrawn from further consideration, it is not known why the Examiner has examined claim 9 on the merits. This rejection is deemed moot.

With regard to claim 10, the word “first” has been deleted. With regard to the Examiner’s objection of claim 12 the term “the upper side groove” finds clear and antecedent basis in claim 2 from which it depends “the first edge further comprises and upper side groove”. However, although the Examiner is apparently attempting to have Applicant claim only a portion of the joint i.e., the left side portion or the right side portion, whereas claim 12 is generic to either side portion and properly claims the subject matter that Applicant regards as the invention, accordingly, no further amendment of claim 12 is required. The same comments apply to Applicant’s claim 13, and Applicant should only be constrained by the prior art and not by the Examiner’s attempt to redefine the subject matter that the Examiner regards as the invention.

Having fully responded to the preceding Office Action, favorable reconsideration withdrawal of all rejections under 35 U.S.C. 112 second paragraph are respectfully requested.

Reconsideration of the previous rejection of claims 1-7 and 10-13 under 35 U.S.C. 102(b) as being anticipated by Martensson (Swedish Patent Application Publication No. SE 514645) is respectfully requested.

The Examiner erroneously did not consider the invention as claimed by Applicant in the examination reported in the Office Action of July 16, 2008.

Specifically, by the Examiner's own comments "the Examiner is treating the entire recitation as intended use for examination on the merits".

None of the cited references teach the claimed subject matter, especially the joining profile of the configuration as instantly recited in the claims. Thus, Martensson cannot possibly act as an anticipatory reference for the claimed invention

The Office has promulgated strict guidelines to the Examiner for rejections under anticipation, See for example, MPEP Section 2131 "to anticipate a claim, the reference must teach every element of the claim", and continuing "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference". As the Examiner has seen fit not to examine the claims as presented, Applicant respectfully submits that should the Examiner decided to cite additional prior art in order to reject these claims, that such rejection not be made final as Applicant has not been given examination on the merits of the claimed subject matter that he has presented.

Specifically, Martensson does not teach a joint formed between panels where one panel has a groove another panel has a tongue, and where the tongue edge is provided with an upper side groove and in addition, a joining profile provided with a tongue and an intermediate section as instantly claimed. As can best seen in Martensson's Fig.2a of the tongue 22 and groove 21 portions, there is no upper side groove of the tongue side (22) in Martensson. None of the other embodiments of Martensson even show a joint formed of tongue and groove parts. Accordingly, Martensson simply fails to be an anticipatory reference for the claimed invention.

Reconsideration of the previous rejection of claim 4 under 35 U.S.C. 103 (a) over the said Martensson reference is respectfully requested.

Martensson not only fails to explicitly disclose the play of the range of 0.05-1mm as claimed in claim 4, but Martensson also fails to even disclose the basic subject matter of Applicant's joint, as noted in the discussion of the deficiencies of Martensson above. Accordingly, the Examiner has also failed to establish a prima facie case of obviousness for claim 4 because she has failed to establish obviousness for the claim limitation upon which claim 4 depends. For the foregoing reasons, withdrawal of the rejection is respectfully requested and passage of the application to issue is earnestly solicited.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 14-1437, under Order No. 8688.048.US0000.

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Respectfully submitted,



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